

**HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Urgency Application No. 373 of 2005
In
Writ Petition No. 90 of (S/S) 2005

Vijay P.S. Chauhan,
Son of Sri Sahib Singh Chauhan,
Resident of 18 Sri Enclain Panditwadi,
Dehradun.

.....Petitioner.

Versus

1. State of Uttaranchal through Secretary,
Sahari Vikas Evam Avas, Uttaranchal
Shashan, Dehradun, Uttaranchal.
2. Mukhya Nagar Adhikari, Nagar Nigam,
Dehradun.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Pramod Bailwal, learned counsel for the petitioner, learned Standing Counsel, who has accepted notices on behalf of respondent no. 1 and Sri Ashish Joshi, who has accepted notice on behalf of respondent no. 2.

Learned counsel for the parties are agreed to decide the writ petition at its admission stage itself.

By means of the this writ petition, the petitioner has prayed to issue a writ in the nature of Certiorari quashing the transfer order dated 24.12.2004 passed by respondent no. 1, by which petitioner, who was Tax Superintendent in Nagar Nigam, Dehradun transferred to Nagar Palika Parishad Mangalore, District – Haridwar.

Learned counsel for the petitioner has submitted that petitioner is Tax Superintendent of Class I Board

of Nagar Nigam and he cannot be transferred to Class IV Board of Nagar Palika.

I don't find any force in the aforesaid argument made by learned counsel for the petitioner, as he was unable to show that Tax Superintendent Class I Board of Nagar Nigam cannot be transferred to Class IV Board of Nagar Nigam.

Learned counsel for the petitioner has further submitted that Chairman of Nagar Palika, Mangalore, District- Haridwar has written a letter on 31.12.2004 to respondent no. 1 that there is no post of Tax Superintendent, in Nagar Palika Board, Mangalore.

Learned counsel for respondents have submitted that the petitioner has been transferred by the competent authority.

The Chairman, Nagar Palika, Mangalore, District – Haridwar is directed to permit the petitioner to join his duty on the post of Tax Superintendent.

With this direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

February 22, 2005

SKS